

REMARKS

Reconsideration and withdrawal of the rejections of the application are requested in view of the amendments and remarks presented herein, which place the application into condition for allowance.

I. STATUS OF CLAIMS AND FORMAL MATTERS

Claims 12-40 are pending in this application. Claims 1-11 are cancelled; claims 12-15, 18-22, 24-26 and 28 are amended; claims 29-40 are added. Support for the new and amended claims can be found throughout the specification and from the previously pending claims.

It is submitted that the claims are patentably distinct over the prior art and that these claim are and were in full compliance with the requirements of 35 U.S.C. § 112. The amendments of the claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §§ 101, 102, 103 or 112; but simply for clarification and to round out the scope of protection to which Applicants are entitled. Furthermore, it is explicitly stated that these amendments should not give rise to any estoppel, as they are not narrowing amendments.

II. RESTRICTION REQUIREMENT

Restriction to one of the following inventions was required under 35 U.S.C. § 121:

- I. Claims 7, 10, 11, 19, 22 and 23, drawn to a viral vector system comprising a viral vector pseudotyped with a env nucleotide sequence, which comprises a NOI that is a selection gene, a marker gene, a therapeutic gene, a cDNA library, or a POI classified in class 435, subclass 320.1;
- II. Claims 7 and 19 drawn to a viral vector system comprising a viral vector pseudotyped with an env nucleotide sequence, which comprises a NOI that is an anti-sense sequence, classified in class 435, subclass 320.1;
- III. Claim 25, drawn to a method of analyzing the function of a gene in a target adipose tissue cell, classified in class 435, subclass 5.

Group I (now comprising only claims 19, 22 and 23) is elected with traverse for further prosecution in this application. The Examiner is thanked for indicating that claims 1-6, 8 and 9 (now cancelled) and 12-18, 20, 21, 24 and 26-28 are linking claims.

As a traverse, it is noted that the invention is not the NOI *per se*; rather, the invention is the use of a viral vector for transducing adipose tissue cells. Therefore, a proper search of the invention should pick up any NOI. Furthermore, a proper search would pick up the step of claim

25 (Group III), which recites transducing adipose tissue cells with a viral vector. Therefore, a proper search of the claimed invention, *i.e.*, the use of a viral vector for transducing adipose tissue cells, would not pose an undue burden. Presumably this search will be performed for the linking claims. Applicants understand that the requirement for restriction will be withdrawn upon a finding of allowability of the linking claims.

An election of species under 35 U.S.C. § 121 was also required from among:

- a) rabies G protein, mutant, homologue or fragment;
- b) VSV-G protein, mutant, homologue or fragment;
- c) coxal virus glycoprotein, mutant, homologue or fragment;
- d) chandipura virus glycoprotein, mutant, homologue or fragment.

Applicants elect b) VSV-G protein, mutant, homologue or fragment. Claims 29, 32, 35 and 38 read upon the elected species. The remaining claims are generic. Applicants understand that, upon allowability of a generic claim, additional species will be considered.

In view of the above, reconsideration and withdrawal of the Requirement for Restriction are requested, and an early action on the merits earnestly solicited.

Respectfully submitted,

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